

**ENTERED**

January 30, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CADENCE BANK,

Plaintiff,

VS.

BANK OF AMERICA, N. A.,

Defendant.

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CIVIL ACTION NO. 4:23-CV-02959

**ORDER**

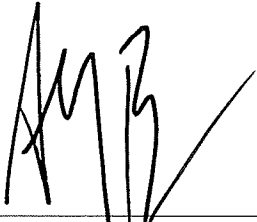
Before the Court is United States Magistrate Judge Yvonne Y. Ho's Combined Order and Memorandum and Recommendation filed on November 3, 2023. Doc. #27. The deadline for filing objections has passed, and no objections have been filed. Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Memorandum and Recommendation for clear error. *See also United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, the Court adopts the Memorandum and Recommendation as to Defendant Bank of America, N.A.'s Motion to Dismiss (Doc. #4).

Accordingly, Defendant Bank of America, N.A.'s Motion to Dismiss (Doc. #4) is DENIED WITHOUT PREJUDICE to file a renewed motion upon Plaintiff Cadence Bank amending its pleading.

It is so ORDERED.

**JAN 30 2024**

Date

  
The Honorable Alfred H. Bennett  
United States District Judge